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5 Attorneys for Defendants
D.R. Horton, Inc., DHI Mortgage Company, Ltd,
6 LP., Donald Horton, Donald Tomnitz, Michael
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7 Frasure

8
9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 PATRICE A. MISSUD, JULIE D.
13 MISSUD,

14 Plaintiff,

15 vs.

16 D.R. HORTON, INC.; DHI MORTGAGE
COMPANY, LTD, LP.; DONALD
17 HORTON; DONALD TOMNITZ;
MICHAEL MASON; DANIEL
18 CALLIHAN; ANNIE SCHANKIN;
JAMES FRASURE; and DOES 1-200,

19 Defendants.
20

Case No. C07-2625 JL

**DECLARATION OF DANIEL CALLIHAN
IN SUPPORT OF MOTION TO DISMISS**

Date: September 5, 2007

Time: 9:30 a.m.

Judge: Hon. James Larson

Wendel, Rosen, Black & Dean LLP
1111 Broadway, 24th Floor
Oakland, CA 94607-4038

Wendel, Rosen, Black & Dean LLP
1111 Broadway, 24th Floor
Oakland, CA 94607-4036

1 I, Daniel Callihan, declare:

2 1. I have personal knowledge of the matters set forth herein and if called upon could
3 testify competently concerning them.

4 2. I was the branch manager of DHI Mortgage Company, Ltd. (then known as CH
5 Mortgage Company I, Ltd.) in Las Vegas, Nevada, at the time Mr. Missud applied for and
6 obtained approval for a home loan for his residence in Henderson, Nevada. I had no actual
7 involvement with Mr. Missud and I did not personally handle his loan application.

8 3. I held the position of branch manager for five years. Since February 2005, I have
9 been the division manager for the builder division of D R Horton, Inc. in Las Vegas, Nevada.

10 4. I currently reside in Henderson, Nevada and have done so for the past 14 years.

11 5. I have never worked in California. I have never lived in California. I have no
12 connections whatsoever with California.

13 I declare under penalty of perjury and the laws of the United States of America that the
14 foregoing is true and correct.

15 Dated: July 27, 2007


Daniel Callihan